

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KEVIN JACKSON,

Plaintiff,

v.

C-1-01-756

SOY SOK, et al.,

Defendants.

ORDER

On June 23, 2004, this Court issued an Order granting plaintiffs' motion to dismiss their claims against Ohio Casualty Group, West American Insurance Co., and Fidelity and Guaranty Insurance Underwriters, Inc. and dismissing those claims without prejudice. Plaintiffs had stated in their motion that they intended to file a motion for default judgment against the tortfeasor and sole remaining defendant, Soy Sok, and the Court therefore granted plaintiffs fifteen days from the date of the Order to file that motion. Plaintiffs have not filed a motion for default judgment in this case to date. Plaintiffs have, however, obtained a default judgment against Sok in a second lawsuit which they filed in this Court, Case No. C-1-98-440, which arose out of the same incident and death giving rise to the claims in this case. That judgment affords plaintiffs the relief they seek against defendant Sok in the present action. Plaintiffs are not entitled to a second judgment awarding duplicative damages in this action.

Accordingly, the claims filed against defendant Sok in this case are hereby **DISMISSED** without prejudice as moot. This case is **DISMISSED** and is **TERMINATED** on the docket of the Court.

IT IS SO ORDERED.

S/ Herman J. Weber
HERMAN J. WEBER, SENIOR JUDGE
UNITED STATES DISTRICT COURT

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